

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

1. **Is there any public information on George Dweh, who is now a high profile government figure?**
2. **Please provide references to any recent articles on witch-hunting in Liberia.**
3. **Please provide recent information on the security situation in Liberia.**

RESPONSE

1. **Is there any public information on George Dweh, who is now a high profile government figure?**

Dweh fought for the United Liberation Movement of Liberia for Democracy (ULIMO) during the civil war in the 1990s. Dweh was a founding member of Liberians United for Reconciliation and Democracy (LURD) who opposed Charles Taylor. Dweh was a “prominent member” of LURD’s negotiating team at the Accra Peace Conference which led to the signing of a peace agreement on 18 August 2003. Dweh served as Speaker of the National Transitional Legislative Assembly of Liberia (NTLA) from October 2003 to March 2005, when he was suspended over allegations of corruption. Dweh was listed under the ‘Most Notorious Perpetrators’ for murder, killing and torture in the final report of the Republic of Liberia Truth and Reconciliation Commission (TRC). The TRC of Liberia recommended that Dweh be prosecuted for gross human rights violations and war crimes. On 7 July 2009, several warlords in Liberia including Dweh warned “that they would oppose any bid to bring them to justice on the basis of a report by the country’s Truth and Reconciliation Commission” (‘LIBERIA: LURD leader Dweh chosen as speaker of parliament’ 2003, *IRIN News*, 20 October <http://www.irinnews.org/report.aspx?reportid=46796> – Accessed 16 September 2009 – Attachment 1; ‘LIBERIA: Appeals for calm amid parliament corruption row’ 2005, *IRIN News*, 17 March <http://www.irinnews.org/report.aspx?reportid=53466> – Accessed 16 September 2009 – Attachment 2; ‘Suspended Liberian speaker vows to keep

peace' 2005, *Reuters – AlertNet*, 17 March, ReliefWeb website
<http://www.reliefweb.int/rw/rwb.nsf/db900SID/RMOI-6AL9NS?OpenDocument> – Accessed 24 September 2009 – Attachment 3; *Factions: Webster's Quotations, Facts and Phrases* 2008, Icon Group International, San Diego, p.344, Google Books website
http://books.google.com/books?id=wIW0dXddBoC&pg=PA344&lpg=PA344&dq=%22He+has+terrible+records+of+massacring+innocent+civilians+in+Monrovia+and+its+surroundings%22&source=bl&ots=B5Hc7oSbUH&sig=IQBWU4-YmfJ4fZncKrlN44rb7M&hl=en&ei=mc26SqmrJMuIkQXZktjjBQ&sa=X&oi=book_result&ct=result&resnum=1#v=onepage&q=%22He%20has%20terrible%20records%20of%20massacring%20innocent%20civilians%20in%20Monrovia%20and%20its%20surroundings%22&f=false – Accessed 16 September 2009 – Attachment 4; Republic of Liberia Truth and Reconciliation Commission 2008, *Volume II: Consolidated Final Report*, 19 December
<https://www.trcofliberia.org/reports/final/final-report/trc-of-liberia-final-report-volume-ii.pdf> – Accessed 16 September 2009 – Attachment 5; and 'Liberian former warlords warn against arrests' 2009, *Agence France Presse*, 7 July, Google News website
<http://www.google.com/hostednews/afp/article/ALeqM5gJNd9GJHdkvs-wFuvWJISYgrrrmg?index=0> – Accessed 16 September 2009 – Attachment 6).

2. Please provide references to any recent articles on witch-hunting in Liberia.

Human Rights Watch's *World Report 2009* reports that harmful traditional practices, including the "killing of alleged witches" continued to occur in 2008 in Liberia:

Serious abuses resulting from harmful traditional practices continued to occur in 2008, due in part to the absence or distrust of judicial authorities. These included the killing of alleged witches and "trials by ordeal," in which suspects are forced to swallow the poisonous sap of a tree or endure burning—their alleged guilt or innocence is determined by whether they survive. At least 16 people were tried, convicted and sentenced for administering the practice, but were months later granted clemency. Their release, conditional on community service, was part of a wider public education campaign by the government and UN to discourage the practice (Human Rights Watch 2009, *World Report 2009 – Liberia*, 14 January – Attachment 7).

A UNHCR research paper dated January 2009 by Jill Schnoebelen provides information on witchcraft allegations, refugee protection and human rights. The report provides the following examples of the treatment of witchcraft practitioners in Liberia:

River Cess County: A mob beat an elderly woman accused of witchcraft along with her husband and looted their home. Police officers attempting to protect the couple were also attacked. No one was arrested and the Liberian National Police (LNP) "claimed they were facing political pressure from high-ranking community leaders not to take action."

Maryland County: Four individuals believed to be responsible for witchcraft were beaten by villagers in Gbeken and no arrests were made.

Bong County: An ex-combatant was paid by two individuals to kill a woman's grandson in revenge for suspected witchcraft. All three were arrested.

Montserrado County: A witch finder was invited into the community to remove "impediments to the town's development." Four accused persons fled but the police were unable to prosecute the witch-finder as the Ministry of Internal Affairs had reportedly authorized the rituals.

Nimba County: Trials by ordeal continue, particularly to determine guilt or innocence of suspected witches. In Nimba County, 37 accused witches and witchdoctors—most of whom were women—were “held captive for two months with the blessing of the local chiefs and subjected to beatings and torture, including starvation and rubbing mud and pepper into body orifices.” At least one died from injuries. Eight people arrested for this abuse have been released on bail. Government offices, like the Ministry of Post and Telecommunications, have reportedly used trial by ordeal to identify thieves.

Bomi County: In this county, the LNP arrested a man accused of transforming into a baboon and terrorizing citizens. The National Traditional Council of Liberia in the Ministry of Internal Affairs prepared to carry out a trial by ordeal but interventions by the Human Rights Protection Service and the Solicitor-General lead to the man’s release and prevented the trial by ordeal. The man is out on bail but charged with “terroristic threats” and aggravated assault. President Ellen Johnson-Sirleaf “revoked in November [2007] all government licenses to stage trial by ordeal with a poisonous substance called sassywood,” a potion made from tree bark. In another positive step, four accused witches were released from prison after a year of detention without trial.

According to UNHCR Regional Protection Officer Kate Pooler, an elderly Liberian man was identified by fellow villagers as a witch upon his return from Guinea. A local magistrate imprisoned him and UNHCR, which viewed this as a protection problem, intervened. Through negotiations with village authorities, it was decided that he could be released and reintegrated into the community after a purification ceremony. UNHCR staff and villagers pooled their money to buy a cat, a chicken, a goat and a sheep to sacrifice and the villagers drank the blood. No further problems were reported (Schnoebelen, Jill 2009, *Witchcraft allegations, refugee protection and human rights: a review of the evidence*, UNHCR Research Paper No. 169, January, pp.28-29 [http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/\\$file/unhcr-jan2009.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/$file/unhcr-jan2009.pdf?openelement) – Accessed 4 August 2009 – Attachment 8).

An article dated 18 July 2008 in *The Analyst* reports that a 17 year old girl killed her uncle reportedly through the “use of voodoo, or witchcraft persuasions”. The article reports that “based on her willful confession, angry attempted mobbing her death, but was rescued by officers of the Liberia National Police” (Daygbor, J. Nathaniel 2008, ‘Liberia: Girl, 17, Kills Uncle in Witch Form’, *The Analyst*, 18 July, allAfrica.com website <http://allafrica.com/> – Accessed 17 September 2009 – Attachment 9).

The United Nations Mission in Liberia’s (UNMIL) *Report on the Human Rights Situation in Liberia: November 2007 – June 2008* provides information on harmful traditional practices in Liberia. UNMIL reports that cases of people being blamed for deaths in their community through the use of witchcraft are common in Liberia. UNMIL reports that in “many instances” the homes of accused witches were destroyed and in other cases the witches were killed by a mob:

Traditional beliefs and practices remain strong in Liberia. Generally, there is a degree of resistance within the communities to end or change these practices. Quite often there appears to be complete disregard of State authority and the rule of law on the part of citizens, even including some law enforcement agencies themselves being reluctant to intervene. This may be attributed to various reasons including financial or political gain.

Communities should be sensitised and discouraged from engaging in those cultural practices that are harmful and violate the dignity of any person. Harmful traditional practices

commonly practiced in Liberia include forms of trial by ordeal where sassywood [A liquid made from the poisonous bark of a particular tree, or other poisonous substances which when ingested usually causes death] is administered – though illegal in Liberia... Reports of cases where persons, usually children or the elderly are blamed for deaths within communities through use of witchcraft are also common. Often due to fear, the ‘accused’ persons may confess in order to save their lives or be subjected to trials by ordeal to determine their guilt. In many instances, the homes of such persons were destroyed and in other cases the ‘witches’ were killed through mob justice.

- In Maryland County, 2 boys aged 9 and 13 and one girl aged 14 from Harper were accused by a man in October 2007 of being witches sent by their divorced mother to kill him. The children were subjected to a trial by ordeal using sassywood. In November 2007, 2 suspects were arrested for their involvement in the trial by ordeal and charged with criminal facilitation. Similarly, in June 2008, 2 children aged 8 and 11 years from Pleebo, Maryland County were accused by their step mother and paternal grandmother of practicing witchcraft and were living on the streets. HRPS [UNMIL Human Rights and Protection Section] intervened and the children were placed in a safe home pending reunification with their biological mother. In other cases reported from the same County, a 42 year old man was beaten to death by a mob of youths. He was suspected to have bewitched and killed another man. In another case, the death of a man which appeared to have occurred as a result of injuries sustained in a motorcycle accident was blamed on a 60 year old woman. It was claimed that she bewitched him. A 62 year old man was expelled from Jargeleken village over allegations that he bewitched the pregnant wife of a school principal and caused her to miscarry. The man resettled in River Gee County. Similar reports of accusations of witchcraft were made in River Gee, Nimba, Grand Gedeh and River Cess Counties.
- In January 2008, 4 elderly people from River Cess County who were implicated in the death of a fisherman by ‘country devils’ were seriously assaulted by the same ‘country devils’. Relying on information from the ‘country devils’ and the forced confession of one of the 4 persons, the LNP subsequently arrested and charged the 4 with murder. UNMIL and government intervened, took the 4 victims out of LNP custody, evacuated them to another county and had them given medical attention. In March 2008, the Solicitor General made an application for a nolle prosequi in this murder case resulting in its closure. Subsequently, in April 2008, HRPS and the Solicitor General accompanied the 4 victims to Cestos city in their original County. Discussions were held with community members reminding them of the illegality of using sassywood in trials by ordeal and encouraged them to accept the victims back and reintegrate them. However, 2 days later, the 4 persons were stoned and expelled from their villages. This case illustrates the complexity of dealing with cases of harmful traditional practices within some Liberian communities where superstitions are deeply rooted (United Nations Mission in Liberia 2008, *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, 3 December, pp.20-21 http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf – Accessed 4 August 2009 – Attachment 10).

According to UNMIL’s *Report on the Human Rights Situation in Liberia May-October 2007*, “Allegations of witch-craft also attracted communities to take the law into their hands and mete out mob justice.” The report continues:

18. Allegations of witch-craft also attracted communities to take the law into their hands and mete out mob justice. From the reported cases, it appears the police failed to take appropriate action to respond to such incidents in order to protect the victims.

- On 20 July, a 65 year old woman and her 70 year old husband were beaten by a mob and their home looted claiming that the woman had bewitched and killed a 12 year old child in *River Cess County*. Three police officers who attempted to protect the couple were also attacked by the mob. None of those involved in the mob-violence were arrested, as the LNP claimed they were facing political pressure from high-ranking community leaders not to take action.
- On 13 July, four people in Gbeken village, *Maryland County*, reportedly confessed to bewitching a man and causing his leg to swell after being beaten by community members. No arrests were made.

...Allegations of witchcraft

54. In May, a five year old boy was allegedly killed in Bong Mines, *Bong County*, after a 'medicine man' identified his grandmother as a witch. It is alleged that an ex-combatant was paid L\$2,000 (USD\$33) by two relatives of the old woman to kill the boy, apparently in revenge for supposed witchcraft. All three suspects were arrested and detained. In August, a woman was said to have used witchcraft to cause the death of a person allegedly because the casket of the deceased identified her house during the burial. She was arrested and detained in Harper Central Prison, Maryland County on charges of murder. Reports indicated that the children of the suspect were being intimidated and threatened by community members. On 16 October HROs found a 'witch finder' in Barzoe Town on the Bensonville highway, Montserrado County, who, at the invitation of the community, was allegedly removing impediments to the town's development. Forty one males and 39 females from the town paid LD\$150 (US\$2.50) and LD\$100 (US\$1.50) each to let the 'witch finder' perform the rituals. According to the Township Commissioner and some Elders in the town, the Ministry of Internal Affairs had reportedly authorised the rituals to be carried out by the witch finder. Four persons accused of impeding the town's development fled and one of them reported the matter to the LNP. However, the LNP were reportedly unable to arrest the 'witch finder' as the Ministry of Internal Affairs had authorised the 'finder' to perform the rituals.

55. On 19 September, LNP brought an elderly woman from Niabo Town, Tchien District, *Grand Gedeh County*, to Zwedru LNP Station after members of her community accused her of drinking a "magic potion" to become a witch. The LNP did not charge the woman. On 28 September, the woman was released on condition that she stays in Zwedru until investigations are finalised (United Nations Mission in Liberia 2008, *Report on the Human Rights Situation in Liberia May-October 2007*, UNHCR Refworld website, 2 April <http://www.unhcr.org/refworld/pdfid/47fb8c9d2.pdf> – Accessed 17 September 2009 – Attachment 11).

3. Please provide recent information on the security situation in Liberia.

The information provided in response to this question has been organised into five sections:

- [General](#);
- [Disarmament, Demobilisation, Rehabilitation and Reintegration \(DDRR\)](#);
- [Police](#);
- [Judiciary](#); and
- [Truth and Reconciliation Commission of Liberia \(TRC\)](#).

The UN reports that the security situation in Liberia remains generally stable but fragile. The mandate of UNMIL has been extended until 30 September 2010. The DDRR programme in Liberia formally closed in July 2009. The UN reports that despite efforts to reform and strengthen the Liberian National Police (LNP) "serious limitations in logistics and infrastructure and insufficient funding...remain major constraints." According to the UN,

“Institutions in the criminal justice sector remain weak due to shortages of qualified personnel, insufficient funding, lack of infrastructure and equipment, poor administration and corruption.” The final unedited report of the TRC was submitted to the Liberian Legislature on 1 July 2009. Following this, several warlords in Liberia warned “that they would oppose any bid to bring them to justice on the basis of a report by the country’s Truth and Reconciliation Commission.” The report “will be put on the table for further action after members of both Houses return from the pending annual legislative recess” (‘Liberian former warlords warn against arrests’ 2009, *Agence France Presse*, 7 July, Google News website <http://www.google.com/hostednews/afp/article/ALeqM5gJNd9GJHdkvs-wFuvWJISYgrrrmg?index=0> – Accessed 16 September 2009 – Attachment 6; ‘Liberia: 1,529 Ex-Fighters Unaccounted for in DDRR’ 2009, *The Analyst*, 23 July, allAfrica.com website <http://allafrica.com/> – Accessed 17 September 2009 – Attachment 12; United Nations Security Council 2009, *Nineteenth progress report of the Secretary-General on the United Nations Mission in Liberia*, 10 August, S/2009/411 <http://www.unhcr.org/refworld/pdfid/4a8e5da12.pdf> – Accessed 18 September 2009 – Attachment 13; UN Human Rights Council 2009, *Report of the Office of the United Nations High Commissioner for Human Rights on the progress made in the situation of human rights in Liberia and activities undertaken in the country*, 27 August, A/HRC/12/42, pp.2 & 8-11 <http://www.unhcr.org/refworld/pdfid/4ab0e3580.pdf> – Accessed 17 September 2009 – Attachment 14; ‘Liberia: TRC Report on Ice – Legislature Tables It for Time, Incompleteness’ 2009, *The Analyst*, 28 August, allAfrica.com website <http://allafrica.com/> – Accessed 17 September 2009 – Attachment 15; and UN Security Council 2009, *Resolution 1885 (2009)*, 15 September, S/RES/1885(2009) <http://www.unhcr.org/refworld/pdfid/4ab34abd0.pdf> – Accessed 17 September 2009 – Attachment 16).

General

On 15 September 2009, the UN Security Council extended the mandate of UNMIL until 30 September 2010 “to assist the Liberian government with the 2011 general presidential and legislative elections”. The troop strength of UNMIL will remain at 8,000 (UN Security Council 2009, *Resolution 1885 (2009)*, 15 September, S/RES/1885(2009) <http://www.unhcr.org/refworld/pdfid/4ab34abd0.pdf> – Accessed 17 September 2009 – Attachment 16; and ‘LIBERIA: Mixed reaction to UNMIL extension’ 2009, *IRIN News*, 17 September <http://www.irinnews.org/report.aspx?ReportId=86193> – Accessed 17 September 2009 – Attachment 17).

The most recent progress report by the Secretary-General on UNMIL was published on 10 August 2009. According to the UN Secretary-General on UNMIL, “The security situation remained generally stable, although fragile”. The UN Secretary-General on UNMIL provides the following information on the security situation in Liberia:

12. The security situation remained generally stable, although still fragile, during the period under review. Law and order incidents, including rape and armed robbery, were prevalent. Communal and mob violence also continued, often emanating from tensions between ethnic groups and communities over land disputes.

13. Tensions were also witnessed between members of the Liberian armed and security forces in Monrovia; Armed Forces of Liberia soldiers assaulted Liberia National Police officers in three separate incidents in February, April and May. Aggravated by the drastic drop in rubber prices, the situation at some plantations remained tenuous, including at Guthrie Rubber

Plantation, where 200 employees protesting against the non-payment of their salaries took a Bomi County senator hostage and burned down a local police station in March. The National Police Support Unit, with UNMIL support, intervened to restore order.

14. Relatively minor disputes continued to escalate rapidly into major destabilizing events. On 14 June, widespread violence broke out in Harper, Maryland County, in the south-east, triggered by allegations of a ritual killing. The incident quickly deteriorated into a riot involving more than 2,000 people, who ransacked the local police station and seriously damaged the prison, allowing the escape of 34 prisoners. Liberia National Police officers were stoned by the crowd and national corrections officers were doused in gasoline and nearly killed. It took the combined efforts of UNMIL military and formed police unit personnel, national police officers and local authorities to contain the situation.

15. UNMIL continued to monitor security challenges related to ex-combatants, whose residual organizational capacity and command structures, although so far mainly utilized for economic activities, are often contributing factors in the escalation of security incidents. In July, President Johnson-Sirleaf officially closed the national disarmament, demobilization, rehabilitation and reintegration programme, which had successfully disarmed and demobilized more than 101,000 ex-combatants, and provided reintegration assistance to more than 90,000 former combatants since 2003. However, high unemployment, particularly among young people, continues to be a security risk. The Mission also continued to monitor trafficking of drugs and light weapons. Recent seizures have indicated that the production of marijuana in Liberia exceeds domestic consumption, and cross-border networks have been established which could be utilized for trafficking and other illegal economic activities (United Nations Security Council 2009, *Nineteenth progress report of the Secretary-General on the United Nations Mission in Liberia*, 10 August, S/2009/411, pp.3-4 <http://www.unhcr.org/refworld/pdfid/4a8e5da12.pdf> – Accessed 18 September 2009 – Attachment 13).

According to the UN Secretary-General on UNMIL, “The human rights situation in Liberia continued to improve, although the weakness of rule of law institutions, economic insecurity, and limited access to social services continued to pose serious challenges for the effective protection of human rights.” According to the UN Secretary-General on UNMIL, “Notwithstanding the increased deployment of ministry representatives, effective extension of State authority beyond Monrovia remained limited, because of absenteeism of public officials and a lack of logistical support” (United Nations Security Council, *Nineteenth progress report of the Secretary-General on the United Nations Mission in Liberia*, 10 August, S/2009/411, pp.9-10 <http://www.unhcr.org/refworld/pdfid/4a8e5da12.pdf> – Accessed 18 September 2009 – Attachment 13).

An article dated 13 August 2009 on the America.gov website reports that US Secretary of State, Hilary Rodham Clinton said that Liberia is now “a model of successful transition from conflict to post-conflict, from lawlessness to democracy, from despair to hope”. Clinton praised Liberia’s “reform, reconstruction and reconciliation efforts, as well as the government’s actions against corruption” (Kaufman, Stephen 2009, ‘Liberia Is Model for Post-Conflict Transformation, Clinton Says’, America.gov website, 13 August <http://www.america.gov/st/peacesec-english/2009/August/20090813182117esnamfuak0.574917.html> – Accessed 17 September 2009 – Attachment 18).

Disarmament, Demobilisation, Rehabilitation and Reintegration (DDRR)

An article dated 23 July 2009 in *The Analyst* reports that President Sirleaf has announced the formal closure of the DDRR programme in Liberia. The article reports that 103,019 ex-combatants were disarmed, 101,495 were demobilised and about 98,000 received reintegration assistance in the form of vocational and formal education. Henrietta Mensa-Bonsu, Deputy Special Representative of the UN Secretary-General for Rule of Law “said the end of the DDRR programme is a sign of progress in the peace and recovery process.” Mensa-Bonsu cited unemployment as one of the greatest challenges as “Liberian ex-combatants and other high-risk youth continue to face a lack of legitimate outlets for earning a livelihood and other employment opportunities, leading some of them to resort to illegal means of income generation” (‘Liberia: 1,529 Ex-Fighters Unaccounted for in DDRR’ 2009, *The Analyst*, 23 July, allAfrica.com website <http://allafrica.com/> – Accessed 17 September 2009 – Attachment 12).

Police

The most recent report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Liberia was published on 27 August 2009. The report found that despite the advances made in the LNP, “serious limitations in logistics and infrastructure, and insufficient funding to cover operational and recurrent costs, remain major constraints.” According to the Office of the United Nations High Commissioner for Human Rights, “Public confidence in the law enforcement system has been undermined due to a lack of accountability for misconduct, contributing to a culture of impunity.” The report continues:

15. During the period under review, efforts towards reforming and strengthening the Liberian National Police (LNP) resulted in the formulation of a five-year LNP strategic plan. The plan sets out the framework for transforming the LNP into a viable, operationally effective police service. A corresponding support programme to facilitate the implementation of the plan is being developed by the Government with the support of UNMIL and other international partners. Infrastructure development is also under way. Three LNP depots were constructed with support from the United Nations Quick Impact Project (QIP), while a six-room office for the Women and Children Protection Section (WCPS) was constructed at the LNP offices in Tubmanburg, Bomi County, with support from the Norwegian Government. The validation exercise of the deployment status of all police officers was completed, with 3,675 verified at their posts. Efforts to improve professionalism among LNP officers through training and mentoring continue. The LNP has also made a proposal for a small salary increase to be considered during the coming budget process.

16. Despite the advances made, serious limitations in logistics and infrastructure, and insufficient funding to cover operational and recurrent costs, remain major constraints. Although the number of LNP officers deployed outside Monrovia has increased and several police stations have been rehabilitated, police presence beyond county capitals remains limited. In some outlying locations, the total absence of law enforcement structures is further compounded by the non-existence of functional judicial structures. In these locations, there is no rule of law, which poses a threat to peace and security. Such situations are common in certain mining areas of Rivercess County where ex-combatants continue to engage in illegal gold mining activities with impunity. Police officers receive low salaries, which makes them vulnerable to corrupt practices.

17. Complaints concerning serious misconduct by LNP officers, particularly of police brutality, continue to be made. During the period under review, 25 allegations of serious police misconduct were reported to the UNMIL Human Rights and Protection Section (HRPS), of which about half (12 cases) were of police brutality. All these cases were brought to the attention of the LNP Professional Standards Division for investigation. With the

exception of three cases where serious follow-up has been undertaken, in the other cases, investigations were delayed or appear not to have been pursued at all for a variety of reasons which included lack of logistical support to facilitate the travel of investigation teams to the areas from which reports originated. According to chapter 6 of the LNP duty manual, the LNP Professional Standards Division is required to investigate all complaints alleging police misconduct and incidents of a criminal nature and to provide the Inspector-General of Police and the Minister of Justice with weekly summary reports of caseload and case status. Public confidence in the law enforcement system has been undermined due to a lack of accountability for misconduct, contributing to a culture of impunity (UN Human Rights Council 2009, *Report of the Office of the United Nations High Commissioner for Human Rights on the progress made in the situation of human rights in Liberia and activities undertaken in the country*, 27 August, A/HRC/12/42, pp.10-11 <http://www.unhcr.org/refworld/pdfid/4ab0e3580.pdf> – Accessed 17 September 2009 – Attachment 14).

Judiciary

According to the United Nations High Commissioner for Human Rights, the justice “sector still faces numerous challenges including insufficient funding, lack of infrastructure, basic equipment and legal references, poor administration and caseload management, corruption, and the need for law reform.” The report continues:

9. The criminal justice sector remains pivotal in ensuring peace and security in Liberia as well as respect for human rights. During a visit to Liberia in May 2009, a Security Council delegation noted that while Liberia had made some progress, peace and security remained fragile, partly because of a weak security and justice sector.

10. There have been some significant developments in the justice sector since September 2008, notably a national rule of law retreat convened in September 2008 which for the first time brought together the three branches of Government to engage in a dialogue on the rule of law. A resolution committing all the branches to ongoing coordination was endorsed. The judiciary and the Ministry of Justice have both since commenced the process of drafting their strategic plans. Judges have been assigned to all the circuit courts and the judiciary has also commenced a programme of replacing magistrates who do not meet the qualifications criteria with law school graduates. Under a project of the Office of the United Nations High Commissioner for Refugees, implemented by the Ministry of Justice, 10 clerks were recruited to provide clerical assistance to county attorneys in 9 counties. To address the shortage of qualified prosecutors, through a programme initiated by the United Nations Mission in Liberia (UNMIL) Legal and Judicial Systems Support Division, the Open Society Initiative for West Africa provides scholarships for 50 law students who will work for the Ministry of Justice as city solicitors and county attorneys upon graduation.

11. However, the sector still faces numerous challenges including insufficient funding, lack of infrastructure, basic equipment and legal references, poor administration and caseload management, corruption, and the need for law reform. Effective and functioning judicial structures are still lacking in many outlying districts of Liberia. This, coupled with the fact that most rural Liberians are not aware of the domestic law or their rights and how to pursue them, has meant that non-judicial officers have often adjudicated cases beyond their jurisdictional (pecuniary, tribal, criminal and/or geographical) competence. Justices of the Peace have also continued to operate illegally as the President has not appointed any since the expiration of their commissions. Most rural communities continue to approach Justices of the Peace and non-judicial officers for their justice needs and in some instances, these officers appear to be unaware that they are acting ultra vires or unlawfully.

12. Where courts exist, they are faced with persistent shortages of essential qualified personnel, including magistrates, prosecutors and defence counsel. Although the Government of Liberia recruited 10 new public defenders to provide assistance to indigent defendants, 7 of the 15 counties are still without assigned public defenders. Meanwhile, in those counties where public defenders have been assigned, they are mainly restricted to county capitals. Legal advice clinics are operating in only three counties. This impacts on the proper functioning of the courts and affects the rights of those going through the judicial process. As a preliminary measure, the decision of the Chief Justice to ensure that all 15 counties have at least 1 public defender by 1 July 2009 is commendable. Gradually increasing the number so as to fulfil the right to legal assistance remains critical. Defendants remain in pretrial detention for prolonged periods, victims' rights to protection and redress are frustrated and in some instances, courts have decided on matters beyond their jurisdictions at the expense of defendants. UNMIL continues to provide assistance to the Ministry of Justice for the development of review mechanisms for addressing poor caseload management in the criminal justice system (UN Human Rights Council 2009, *Report of the Office of the United Nations High Commissioner for Human Rights on the progress made in the situation of human rights in Liberia and activities undertaken in the country*, 27 August, A/HRC/12/42, pp.8-9 <http://www.unhcr.org/refworld/pdfid/4ab0e3580.pdf> – Accessed 17 September 2009 – Attachment 14).

Truth and Reconciliation Commission of Liberia (TRC)

A summary of the preliminary findings, determinations and recommendations of the TRC has been included as Attachment 19 (Republic of Liberia Truth and Reconciliation Commission 2008, *Final Report Volume I: Findings and Determinations*, 19 December <https://www.trcofliberia.org/reports/final/final-report/trc-final-report-volume-1-summary> – Accessed 16 September 2009 – Attachment 19).

The Analyst reports that the final unedited report of the TRC was submitted to the Liberian Legislature on 1 July 2009. On 27 August 2009, the Legislature issued a “Joint Resolution of the National Legislature” which says the TRC report “will be put on the table for further action after members of both Houses return from the pending annual legislative recess.” The recess “will be used by the legislators to consult with their individual constituencies for appropriate advice and action.” The article continues:

It [the Resolution] did not say when exactly that will be; neither did it say whether the report will be the Legislature's priority upon return to legislative session given its importance for the peace process and the level of anxiety it has generated amongst ordinary Liberians, politicians, and the human rights and international communities ('Liberia: TRC Report on Ice – Legislature Tables It for Time, Incompleteness' 2009, *The Analyst*, 28 August, allAfrica.com website <http://allafrica.com> – Accessed 17 September 2009 – Attachment 15).

An article dated 7 July 2009 by *Agence France Presse* reports that several warlords in Liberia warned “that they would oppose any bid to bring them to justice on the basis of a report by the country's Truth and Reconciliation Commission.” The warlords included Prince Johnson, George Dweh, Yahyah Nimely, Roland Duo, Jackson Doe and Joe Gbalah. According to Prince Johnson, “The government is not passing into law anything that will bring this country back to war” ('Liberian former warlords warn against arrests' 2009, *Agence France Presse*, 7 July, Google News website <http://www.google.com/hostednews/afp/article/ALeqM5gJNd9GJHdkvs-wFuvWJISYgrrrmg?index=0> – Accessed 16 September 2009 – Attachment 6).

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